

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:19-cr-63-MOC-WCM-1**

**UNITED STATES OF AMERICA,**

**Vs.**

**JOSEPH CECIL VANDEVERE,**

**Defendant.**

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**ORDER**

This matter is before the Court on Defendant's Second Motion for Extension of Time to Report to BOP due to the COVID-19 pandemic. (Doc. No. 73). The Government has responded in opposition to the motion.

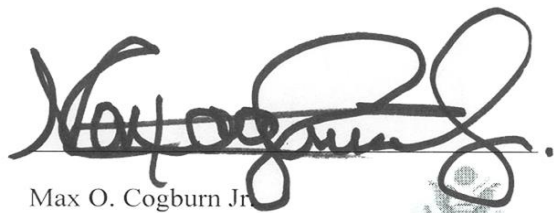
Defendant's Motion for Extension of Time to Report to BOP due to the COVID-19 pandemic, (Doc. No. 73), is **DENIED**, as the Court has already granted Defendant one extension.<sup>1</sup> Defendants may not postpone serving their prison sentences indefinitely merely because of COVID-19. As the Government notes, the Bureau of Prisons has taken extraordinary measures to control the spread of COVID-19 within their facilities and to provide medical care for its inmates. There is no evidence that Defendant's risk of contracting COVID-19 is greater in the tightly controlled BOP environment than it is if he remains free in the community. Furthermore, although Defendant contends that he suffers from COPD, the Government contends that the medical records do not reflect a diagnosis of this condition. In any event, the Court exercises its discretion in denying Defendant's second motion for an extension of time to report to BOP.

**IT IS SO ORDERED.**

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<sup>1</sup> The BOP website indicates that Defendant has reported to BOP and is incarcerated at Loretto FCI in Loretto, Pennsylvania.

Signed: December 10, 2020



Max O. Cogburn Jr.  
United States District Judge